



JOHN D. FERRERO

STARK COUNTY PROSECUTING ATTORNEY

Stark County Office Building, 110 Central Plaza South, Suite 510

P.O. Box 20049 Canton, Ohio 44701-0049

330-451-7897 • Fax 330-451-7965

John L. Kurtzman
Chief Counsel
Pamela S. Goddard
Executive Assistant

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Deborah A. Dawson
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Senior Assistant
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Ross A. Rhodes
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Patty J. Knepper

July 8, 2005

Kim R. Perez

Stark County Auditor

110 Central Plaza South, Ste 220

Canton, OH 44702

Re: Data processing jointly with Tuscarawas & Wayne Counties
Our file no. M101.00258

Dear Mr. Perez:

You have asked whether the auditors and treasurers of three counties – Stark, Tuscarawas and Wayne – may enter into an agreement for the joint purchase and maintenance of necessary computer software and hardware for real estate applications, including real estate taxes. I understand that each of the three counties has an existing automatic data processing board (“ADP Board”) established by the board of county commissioners pursuant to R.C. §307.84 et seq.

Where a board of county commissioners has established a county ADP Board, the ADP Board controls the data processing needs of all county offices, including the county treasurer and the county auditor (both of whom are members of the ADP Board). The ADP Board “may, in writing, authorize any county office to contract for automatic data processing services ... where the board determines such action is desirable” (§307.842) and, concomitantly, “No county office shall ... contract for the use of any automatic data processing equipment without prior approval of the board.” §307.84. Accordingly, the auditors and treasurers of the three counties may not directly contract for, or otherwise agree to, a shared data processing arrangement among themselves without the prior approval of their respective ADP Boards.

The ADP Boards themselves may contract with a wide range of legislative authorities, including the ADP Boards of any other county, to provide automatic data processing services to any of them, pursuant to §307.846. (This does not authorize one county’s ADP Board to contract directly with another county’s offices, such as a county treasurer or a county auditor individually, because those offices are not “legislative authorities” of a “taxing district.” See O.A.G. 71-086. Therefore, it is doubtful whether one county’s ADP Board could authorize its officers to contract directly with another county’s ADP Board, because the same question would arise for the serving ADP Board.)

The statutory ADP provisions are drawn broadly with the paramount object of “the promotion of efficiency in the operations of county and local governments.”

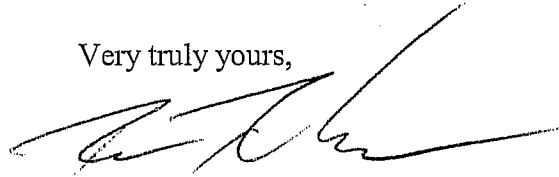
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O.A.G. 71-086. Accordingly, it appears that the three counties' ADP Boards may contract among themselves for the ADP Center of one county to provide and maintain the necessary computer system for the real estate applications required by the auditors and treasurers of all three counties. The contract may call for a process of consultation and approval as seems necessary or convenient to the respective ADP Boards.

If you have any questions concerning this opinion letter, or if you have additional information you feel may be relevant, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ross Rhodes', with a long horizontal flourish extending to the right.

Ross Rhodes
Assistant Prosecuting Attorney
(330) 451-7863